

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Darlene D. Duque-Garcia

Case No.: 18-12088

Judge: _____

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

Date: 5/14/18

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: SFR

Initial Debtor: DDD

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 500 per month to the Chapter 13 Trustee, starting on March 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2810 plus all other court approved fees and costs
DOMESTIC SUPPORT OBLIGATION		

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Mr. Cooper	Residence	13,000	N/A	13,000	March 2018

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Santander	2011 Hyundai Sonata	10,000	9,225	N/A	9,225	5 1/4%	10,500

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Credit Acceptance	2009 Mercedes Benz	Unknown	Unknown

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☒ Not less than _____ 0 percent

plus any non exempt proceeds
of Zaralto litigation

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Santander	2011 Hyundai Sonata	10,000	9,225	9,225 @ 5 1/4% = 10, 509	Any remaining balances due

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Jenkins & Clayman
- 3) Mr. Cooper
- 4) Santander
- 5) Unsecured creditors (only to extent of non-exempt proceeds from Zaralto litigation)

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5/14/18.

Explain below **why** the plan is being modified:

To address claim of credit Acceptance and address non exempt proceeds of litigation

Explain below **how** the plan is being modified:

To address claim of credit acceptance and add unsecured creditors to order of distribution

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 5/14/18

/s/ Stephanie F. Ritigstein
Attorney for the Debtor

Date: 5/14/18

/s/ Darlene D. Duque-Garcia
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 5/14/18

/s/ Stephanie F. Ritigstein
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 5/14/18

/s/ Darlene Duque-Garcia
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Darlene Duque-Garcia
DebtorCase No. 18-12088-KCF
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 45

Date Rcvd: May 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2018.

db
517312653 +Darlene Duque-Garcia, 85 Theresa Street, Trenton, NJ 08618-1529
517312661 Best Buy Credit Services, PO BOX 78009, Phoenix, AZ 85062-8009
517320916 +CHS EMA, PO box 417442, Boston, MA 02241-7442
+CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316
(address filed with court: CREDIT ACCEPTANCE, 25505 WEST 12 MILE ROAD,
SOUTHFIELD, MI 48034)

517312654 Capital Health Advanced Imaging, PO Box 3246, Indianapolis, IN 46206-3246
517312657 Capital Health Medical Group DBA C, Attn #17558X, PO Box 14000, Belfast, ME 04915-4033
517312658 Capital Health Regional Medical Center, PO Box 785841, Philadelphia, PA 19178-5841
517312659 Capital Health System at Fuld/O, c/o Trans-Continental Credit & Collect., PO B ox 8500-1571,
Philadelphia, PA 19178-1571

517312660 Capital One Services, LLC, PO Box 30285, Salt Lake City, UT 84130-0285
517312662 Comenity - Express, PO Box 659728, San Antonio, TX 78265-9728
517312663 Ewing Twp EMS, PO Box 207, Allentown, PA 18105-0207
517312664 Geico, One Geico Plaza, Bethesda, MD 20810-0001
517312665 Horizon Blue Cross Blue Shield of NJ, PO Box 10193, Newark, NJ 07101-3117
517312666 +Lawrence Dental Associates, PC, 3100 Princeton Pike,, Building 4, Suite E,
Lawrence Township, NJ 08648-2300

517312667 +Lawrenceville Oral Surgery PC, 3100 Princeton Park Building 4-F,
Lawrence Township, NJ 08648-2300

517312668 +Life Protect 24/7, 3509 Virginia Beach Blvd, Virginia Beach, VA 23452-4421
517312669 +Mr. Cooper, c/o KML Law Group, P.C, 216 Haddon Avenue, Suite 406,
Collingswood, NJ 08108-2812

517448861 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
517312670 PSE&G CO, PO BOX 14444, New Brunswick, NJ 08906-4444
517342986 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
517312671 +Santander, PO Box 12768, Reading, PA 19612-2768
517344129 +Santander Consumer USA Inc., P.O. Box 961245, Fort Worth, TX 76161-0244
517312672 +St Lawrence Rehabilitation Center, 2381 Lawrenceville Road, Lawrence Township, NJ 08648-2098
517312673 St. Lawrence Rehab Center, c/o United Telemanagement Corp, PO Box 145465,
Cincinnati, OH 45250-5465

517312674 +TD Bank, N.A, c/o Northland Group Inc., PO Box 390846, Minneapolis, MN 55439-0846
517312675 Vascular Disease Center PC, PO Box 83, Ambler, PA 19002-0083
517312676 +Verizon, c/o Convergent Outsourcing, PO Box 9004, Renton, WA 98057-9004
517312678 Verizon Wireless, c/o Diversified Consultants, Inc., PO Box 554268,
Jacksonville, FL 32255-1268

517312679 +Yahya Duque - Garcia, 85 Theresa Street, Trenton, NJ 08618-1529

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov May 17 2018 22:58:29 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 17 2018 22:58:27 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235

517312651 E-mail/Text: amscbankruptcy@adt.com May 17 2018 22:59:10 ADT Security Services,
PO Box 650485, Dallas, TX 75265-0485

517430590 +E-mail/Text: g20956@att.com May 17 2018 22:58:57 AT&T Mobility II LLC,
%AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104,
BEDMINSTER, NJ. 07921-2693

517312652 +E-mail/Text: ally@ebn.phinsolutions.com May 17 2018 22:57:56 Ally Financial,
P. O. Box 380901, Minneapolis, MN 55438-0901

517312655 E-mail/Text: bankruptcy@onlineis.com May 17 2018 22:58:53 Capital Health Advanced Imaging,
c/o Online Information Services, Inc., PO Box 1489, Winterville, NC 28590-1489

517312656 E-mail/Text: bankruptcydepartment@tsico.com May 17 2018 22:59:04
Capital Health Medical Group, c/o Transworld Systems Inc., PO Box 15520,
Wilmington, DE 19850-5520

517395891 +E-mail/Text: bankruptcydpt@mcmcg.com May 17 2018 22:58:27 Midland Funding LLC,
PO Box 2011, Warren, MI 48090-2011

517450308 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 17 2018 23:11:26
Portfolio Recovery Associates, LLC, c/o Best Buy Visa, POB 41067, Norfolk VA 23541

517410167 +E-mail/Text: bankruptcy@pseg.com May 17 2018 22:57:55 PSE&G, POB 490,
Cranford, NJ 07016-0490

517437935 E-mail/Text: bnc-quantum@quantum3group.com May 17 2018 22:58:22
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

517432211 E-mail/Text: bnc-quantum@quantum3group.com May 17 2018 22:58:22
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788

517315587 +E-mail/PDF: gecsed@recoverycorp.com May 17 2018 23:00:32 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

517441420 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 17 2018 23:00:43 Verizon,
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

517312677 E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com May 17 2018 22:57:52
Verizon Wireless, PO Box 660108, Dallas, TX 75266-0108

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: May 17, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517446818 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 17 2018 23:00:43
Verizon by American InfoSource LP as agent, 4515 N Santa Fe Ave,
Oklahoma City, OK 73118-7901

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr* ++CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316
(address filed with court: Credit Acceptance Corporation, 25505 West 12 Mile Road,
Southfield, MI 48034)

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 19, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 14, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eric Clayman on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net
Jeffrey E. Jenkins on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net,
jenkins.clayman@verizon.net
John R. Morton, Jr. on behalf of Creditor Credit Acceptance Corporation
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Rebecca Ann Solarz on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
rsolarz@kmlawgroup.com
Stephanie F. Ritigstein on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8